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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

JPMORGAN CHASE & CO.;  
CHASE BANK USA, N.A.;  
and DOE DEFENDANTS 1-20,

Defendants.

CIVIL NO.: CV12-00263 LEK- KSC  
(Other Civil Action)

**DECLARATION OF PATRICK F.  
McTERNAN**

*Hearing: November 19, 2012  
Time: 9:45 a.m.  
Judge: Hon. Leslie E. Kobayashi*

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

HSBC BANK NEVADA, N.A.; HSBC  
CARD SERVICES, INC.; and DOE  
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00266 LEK-KSC  
(Other Civil Action)

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

CAPITAL ONE BANK (USA) N.A.;  
CAPITAL ONE SERVICES, LLC; and  
DOE DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00268 LEK-KSC  
(Other Civil Action)

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

DISCOVER FINANCIAL SERVICES,  
INC.; DISCOVER BANK; DFS  
SERVICES, L.L.C.; AMERICAN  
BANKERS MANAGEMENT  
COMPANY, INC.; and DOE  
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00269 LEK-KSC  
(Other Civil Action)

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

BANK OF AMERICA  
CORPORATION, FIA CARD  
SERVICES, N.A. and DOE  
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00270 LEK-KSC  
(Other Civil Action)

STATE OF HAWAII, *ex rel.* DAVID  
M. LOUIE, ATTORNEY GENERAL,

Plaintiff,

v.

CITIGROUP INC.; CITIBANK, N.A.  
DEPARTMENT STORES NATIONAL  
BANK and DOE DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00271 LEK-KSC  
(Other Civil Action)

PATRICK F. McTERNAN hereby declares as follows:

1. I am one of the attorneys for Plaintiff in this case.
2. I am licensed to practice law before all courts in the State of Hawaii.
3. I have personal knowledge of the matters stated here, except as to matters stated upon information and belief, and as to those matters I believe them to be true and correct after reasonable inquiry.
4. Upon information and belief, attached hereto as Exhibit A is a true and correct copy of an order of the United States District Court, the Middle District

of Florida, in *Spinelli v. Capital One Bank, USA, et al.*, No. 8:08-cv-00132, Dkt. 253 (M.D. Fla. Aug. 22, 2012).

5. Upon information and belief, attached hereto as Exhibit B is a true and correct copy of an order of the Circuit Court of Mason County, West Virginia, in *West Virginia, ex rel. McGraw v. JPMorgan Chase & Co. et al.*, No. 11-C-94-N *et al.* (Cir. Ct. Mason Cty, W. Va. Oct. 17, 2012).

Under penalty of perjury, the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawai'i, November 5, 2012.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by 'ATRICK F. McTERNAN'.

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PATRICK F. McTERNAN